

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

**LISA DESOMBRE, a natural guardian of
A.H., a minor**

Plaintiff

v.

KB TOYS, INC., d/b/a KB TOYS

Defendant

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C.A. No.: 07-CV-22

**JOINT STATUS REPORT OF PARTIES REGARDING
F.R.C.P. 26(f) PLANNING MEETING**

Pursuant to Federal Rule of Civil Procedure 26(f) a telephonic meeting was held on January 9, 2008, and was attended by:

Marc H. Snyder, Esquire for the Plaintiff
Daniel McKenty, Esquire for the Defendant

1. Jurisdiction and Service

Jurisdiction is proper. Service was timely accomplished on the defendant.

2. Substance of the Action

Plaintiff:

Plaintiff, Lisa DeSombre, on behalf her minor child (AH - age 5 on date of incident), has alleged that while shopping at KB Toys, unknown to her, a contractor's hammer was situated on top of a cardboard box containing a child's costume for sale. Plaintiff reached up to grab the box, when the contractor's hammer fell about 4 ½ feet, and struck her minor child's head. Plaintiff alleges that her son, AH, has suffered from an array cognitive and neurological problems as result of being struck on the head by the hammer.

Defendant:

Defendant has answered Plaintiff's Complaint denying proximate causation and liability and has asserted affirmative defenses of comparative negligence, intervening or superceding cause and negligent acts of a third person.

3. Pre-Discovery Disclosures

The parties have exchanged the information required by Fed R. 26(a)(1) and D. Del. LR 16.2.

4. Joinder of other Parties

The parties do not anticipate joining additional parties.

5. Discovery

The parties propose that an exchange of interrogatories, identification of all fact witnesses, and document production shall be commenced so as to be completed by June 1, 2008.

The parties propose a maximum of 30 interrogatories by each party to any other party.

The parties propose a maximum of 30 requests for admission by each party to any other party.

The parties propose a maximum of 8 depositions by plaintiff, and 8 by defendant.

The parties propose that reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff by July 1, 2008; and from the defendant by August 1, 2008.

6. Amendment to the Pleadings

The parties propose that all motions to amend the pleadings shall be filed on or before June 1, 2008.

7. Case Dispositive Motions

The parties propose that any case dispositive motion shall be served and filed on or before September 1, 2008.

Submitted this 9th day of January, 2008.

/s/ Marc H. Snyder
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